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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-330

12 **DEBRA ANN BERRYMAN**  
13 **5222 Pendleton Avenue # 8,**  
**South Gate, CA 90280**

**A C C U S A T I O N**

14 **Registered Nurse License No. 368905**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License Information**

23 2. On or about March 31, 1984, the Board issued Registered Nurse Number 368905 to  
24 Debra Ann Berryman ("Respondent"). The registered nurse license was in full force and effect at  
25 all times relevant to the charges brought herein and expired on October 31, 2011.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12 (f) Conviction of a felony or of any offense substantially related to the  
13 qualifications, functions, and duties of a registered nurse, in which event the record of  
14 the conviction shall be conclusive evidence thereof.

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the  
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
18 person licensed under this chapter to do any of the following:

19 (b) Use any controlled substance as defined in Division 10 (commencing  
20 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
21 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
22 in a manner dangerous or injurious to himself or herself, any other person, or the  
23 public or to the extent that such use impairs his or her ability to conduct with safety to  
24 the public the practice authorized by his or her license.

25 (c) Be convicted of a criminal offense involving the prescription,  
26 consumption, or self administration of any of the substances described in subdivisions  
27 (a) and (b) of this section, or the possession of, or falsification of a record pertaining  
28 to, the substances described in subdivision (a) of this section, in which event the  
record of the conviction is conclusive evidence thereof.

### COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
4 that, on April 13, 2007, in the Superior Court, County of Sacramento, California, in the matter  
5 entitled *People v. Debra A. Berryman*, Case No. 07T00607, Respondent was convicted by the  
6 court following her plea of no contest to a violation of Vehicle Code section 23152, subdivision  
7 (b) (driving with a blood alcohol level of .08% or more) and Vehicle Code section 12500 (drive a  
8 vehicle without a valid driver's license), both misdemeanors. The circumstances of the crime are  
9 that on January 6, 2007, following a traffic stop, Respondent was arrested and charged with  
10 driving while under the influence of alcohol. During the arrest process, Respondent provided a  
11 breath test sample, resulting in a .12% blood alcohol concentration. Such conduct is substantially  
12 related to the qualifications, functions and duties of a licensed registered nurse.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Conviction Involving Alcohol)**

15 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
16 the grounds of unprofessional conduct as defined by Code section 2762, subdivision (b), in that  
17 Respondent has been convicted of a crime involving the consumption of alcohol, as more  
18 particularly set forth in paragraph 8, above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

21 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
22 the grounds of unprofessional conduct as defined by Code section 2762, subdivision (b), in that  
23 Respondent used alcohol and the controlled substance cocaine to an extent or in a manner  
24 dangerous or injurious to herself or others, as follows:

25 a. On January 6, 2007, Respondent used alcohol, as more particularly set forth in  
26 paragraph 8, above.

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## PRAYER

3. Taking such other and further action as deemed necessary and proper.

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